

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1414

**Introduced by Assembly Member Levine
(Principal coauthor: Assembly Member Strickland)**

February 21, 2003

An act to ~~add Section 330.95 to~~ amend Section 337i of the Penal Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Levine. Gaming: processing out-of-state wagers.

Existing law makes it a felony or misdemeanor to knowingly transmit information as to the progress or results of a horse race, or various other information relating to gambling events when such information is transmitted to or by a person or persons engaged in illegal gambling operations. However, that law states that it is not to be construed as prohibiting the printing or broadcasting of that information as news, or to place in jeopardy any common carrier or its agents performing operations within the scope of a public franchise, or any gambling operation authorized by law.

This bill would specify that the gambling operations authorized by law that are not to be construed to be prohibited by this law include advance deposit wagering.

~~Specified provisions in existing law prohibit various forms of gaming, bookmaking and related conduct, including maintaining any~~

kind of apparatus for recording or registering any wager, which may be prosecuted as a felony or misdemeanor.

~~This bill would exempt from those provisions a person or entity engaged in the business of electronic data processing or telecommunications in this state acting as an intermediary for the purpose of processing, registering, recording, storing or transmitting information and instructions relating to any wager lawfully made and accepted in a jurisdiction outside of the state if the wager is permitted by the federal Interstate Wire Act (18 U.S.C. 1084) and the person or entity acting as an intermediary has no financial interest in the outcome of the wager.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 330.95 is added to the Penal Code, to~~
 2 ~~SECTION 1. Section 337i of the Penal Code is amended to~~
 3 ~~read:~~
 4 ~~337i. Every person who knowingly transmits information as~~
 5 ~~to the progress or results of a horserace horse race, or information~~
 6 ~~as to wagers, betting odds, changes in betting odds, post or off~~
 7 ~~times, jockey or player changes in any contest or trial, or purported~~
 8 ~~contest or trial, involving humans, beasts, or mechanical apparatus~~
 9 ~~by any means whatsoever including, but not limited to telephone,~~
 10 ~~telegraph, radio, and semaphore when such information is~~
 11 ~~transmitted to or by a person or persons engaged in illegal~~
 12 ~~gambling operations, is punishable by imprisonment in the a~~
 13 ~~county jail for a period of not more than one year or in the state~~
 14 ~~prison.~~
 15 ~~This section shall not be construed as prohibiting a newspaper~~
 16 ~~from printing such results or information as news, or any television~~
 17 ~~or radio station from telecasting or broadcasting such results or~~
 18 ~~information as news. This section shall not be so construed as to~~
 19 ~~place in jeopardy any common carrier or its agents performing~~
 20 ~~operations within the scope of a public franchise, or any gambling~~
 21 ~~operation authorized by law, including advance deposit wagering~~
 22 ~~as provided in Section 19604 of the Business and Professions~~
 23 ~~Code.~~
 24 ~~read:~~

1 ~~330.95.— Nothing in this chapter shall be construed to prohibit~~
2 ~~a person or entity engaged in the business of electronic data~~
3 ~~processing or telecommunications in this state from acting as an~~
4 ~~intermediary for the purpose of processing, registering, recording,~~
5 ~~storing or transmitting information and instructions relating to any~~
6 ~~wager lawfully made and accepted in a jurisdiction outside of the~~
7 ~~state if the wager is permitted by the federal Interstate Wire Act (18~~
8 ~~U.S.C. 1084) and the person or entity acting as an intermediary has~~
9 ~~no financial interest in the outcome of the wager.~~

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